

## Chapter 47

## BURIALS, PRIVATE

§ 47-1. Intent.

§ 47-2. Perpetual maintenance fund required.

§ 47-3. Determination of adequacy of funds.

§ 47-4. Penalties for offenses.

§ 47-5. Existing burial grounds.

**[HISTORY: Adopted by the Town Board of the Town of Vernon 8-6-1990. Amendments noted where applicable.]**

§ 47-1. Intent.

The Town Board of the Town of Vernon believes that the practice of interment of human remains on private property not set apart and recognized as a municipal, religious or not-for-profit corporation cemetery may have severe ramifications; i.e., original owners may have moved or died without providing for long-term care of graves, leaving them unattended and neglected. They may create clouds on title to these lands, making transfer of property difficult. Desecrations may occur. The public may mistakenly expect that the town will maintain and preserve private burial grounds. Town Law § 291 clearly exempts and prevents a town from maintaining a private cemetery or a family burial ground. In view of the above, the Town Board of the Town of Vernon intends to regulate what may otherwise be the indiscriminate burial of human remains.

§ 47-2. Perpetual maintenance fund required.

No person shall cause the remains of a human being to be buried or establish a burial ground for such purpose in the Town of Vernon in any ground not set apart and recognized as a municipal, religious or

not-for-profit corporation cemetery without having deposited adequate funds for the perpetual maintenance of said grounds.

**§ 47-3. Determination of adequacy of funds.**

Adequate and appropriate funds is a relative term to be determined by the Town Board of the Town of Vernon in each instance in order to establish an adequate trust fund for the perpetual maintenance of said ground.

**§ 47-4. Penalties for offenses.**

- A. Any person who shall be found to violate any provision of this chapter shall be served by the Town Code Enforcement Officer with written notice providing a reasonable time limit for the exhumation of the buried remains. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violations beyond said time limit shall be guilty of an offense and, upon conviction thereof, shall be fined in an amount not exceeding two hundred fifty dollars (\$250.) for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- C. The provisions of this section shall be in addition to and shall not preclude the enforcement of this chapter by application to the New York Supreme Court for injunction or by any other lawful means. Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss or damage occasioned by it by reason of such violation.

**§ 47-5. Existing burial grounds.**

Any private or family cemeteries or burial grounds in existence in the Town of Vernon at the time this chapter is passed is exempt from the above. However, the Town of Vernon will not accept responsibility for the maintenance or care of said burial grounds.